

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MICHAEL HOWARD HUNTER,

Petitioner,

NO. CV-09-166-CI

vs.

REPORT AND RECOMMENDATION TO DENY  
MOTIONS

SPOKANE COUNTY SHERIFF,

Respondent.

BEFORE THE COURT are Petitioner's Motion to Compel Discovery (Ct. Rec. 18) which he noted for hearing on July 15, 2009, a Motion for Immediate Hearing to Decide if the Writ Should Issue . . . (Ct. Rec. 23), noted for hearing on July 31, 2009, and a Motion to file Supplemental Petition (Ct. Rec. 26), noted for hearing on July 31, 2009. Petitioner is proceeding *pro se* and *in forma pauperis*; Respondent has not been served. The motions were heard without oral argument on the date signed below.

In light of the proposed disposition of this case (Ct. Rec. 12),  
**IT IS RECOMMENDED** the Motions (Ct. Recs. 18, 23, and 26) be **DENIED** as  
moot.

## OBJECTIONS

Any party may object to a magistrate judge's proposed findings, recommendations or report within ten (10) days following service with

1 a copy thereof. Such party shall file written objections with the  
2 Clerk of the Court and serve objections on all parties, specifically  
3 identifying the portions to which objection is being made, and the  
4 basis therefor. Any response to the objection shall be filed within  
5 ten (10) days after receipt of the objection. Attention is directed  
6 to FED. R. CIV. P. 6(d), which adds additional time after certain kinds  
7 of service.

8 A district judge will make a de novo determination of those  
9 portions to which objection is made and may accept, reject, or modify  
10 the magistrate judge's determination. The judge need not conduct a  
11 new hearing or hear arguments and may consider the magistrate judge's  
12 record and make an independent determination thereon. The judge may,  
13 but is not required to, accept or consider additional evidence, or may  
14 recommit the matter to the magistrate judge with instructions. *United*  
15 *States v. Howell*, 231 F.3d 615, 621 (9th Cir. 2000); 28 U.S.C.  
16 § 636(b)(1)(B) and (C), FED. R. CIV. P. 72; LMR 4, Local Rules for the  
17 Eastern District of Washington.

18 A magistrate judge's recommendation cannot be appealed to a court  
19 of appeals; only the district judge's order or judgment can be  
20 appealed.

21 The District Court Executive is directed to enter this Report and  
22 Recommendation and forward a copy to Petitioner.

23 DATED July 27, 2009.  
24

25 \_\_\_\_\_  
26 S/ CYNTHIA IMBROGNO  
27 \_\_\_\_\_  
28 UNITED STATES MAGISTRATE JUDGE